
COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION FOR GUAM

Submitted to:

Government of Guam
Bureau of Statistics and Plans
P.O. Box 2950
Hagatna, Guam 96932

Submitted by:

Commander, United States Pacific Fleet
Department of the Navy
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

JUNE 2014

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COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION

This document provides the Guam Coastal Management Program with the United States (U.S.) Department of the Navy's (Navy's) Consistency Determination under the Coastal Zone Management Act (CZMA) §307(c)(1) and 15 Code of Federal Regulations (C.F.R.) Part 930, Subpart C, for military training and testing that may have reasonably foreseeable coastal effects on Guam. The information in this consistency determination is provided pursuant to 15 C.F.R. §930.39. Proposed military training and testing activities are described in the *Mariana Islands Training and Testing (MITT) Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS)*, Chapter 2 – Description of Proposed Action and Alternatives (refer to enclosed CD). Reasonably foreseeable coastal effects are described in Chapters 3 and 4 of the MITT DEIS/OEIS.

The Guam Coastal Management Program (GCMP) defines the “coastal zone” of Guam to include all non-federal property within the Territory, including offshore islands and the submerged lands and waters extending seaward to a distance of three (3) nautical miles (nm). The United States federal government retained the rights to certain lands and mineral rights to include “all submerged lands adjacent to property owned by the United States above the line of mean high tide” in 48 U.S.C. §1705(b)(ii). The National Oceanic and Atmospheric Administration Office of Ocean and Coastal Resources qualifies the applicability of GCMP to waters or submerged lands outside of U.S. federal jurisdiction.

The proposed military training and testing activities would not occur within Guam's “coastal zone” and therefore are not subject to Guam's jurisdiction; however, there is potential for these activities to have direct and indirect effects on Guam's coastal zone, as described in the attached completed GCMP Assessment Form and in the enclosed MITT DEIS/OEIS. Per 15 CFR §930.33, the Navy assessed reasonably foreseeable direct, indirect and cumulative effects on Guam's defined coastal zone, Guam's resources, and reviewed relevant management programs (enforceable policies) of the GCMP in accordance with the CZMA. The Navy determined that certain DoD actions that occur on federal land could have reasonably foreseeable effects on coastal uses or resources. Proposed actions that could affect coastal uses or resources are subject to CZMA federal consistency requirements. This consistency determination has been prepared in accordance with Guam's *Procedures Guide for Achieving Federal Consistency with the Guam Coastal Management Program* (Bureau of Statistics and Plans May 2011).

Based on the information, data, and analysis contained in the attached completed Guam Coastal Management Program Assessment Form and in the enclosed MITT DEIS/OEIS, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program.

Pursuant to 15 CFR §930.41, the Guam Coastal Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR §930.41(b). Guam's concurrence will be presumed if Guam's response is not received by the Navy on the 60th day from receipt of this determination.

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**GUAM COASTAL MANAGEMENT PROGRAM
ASSESSMENT FORM**

DATE OF APPLICATION: _____
NAME OF APPLICANT: Department of the Navy
ADDRESS: _____
TELEPHONE NUMBER: _____ Fax No. _____ Cell No. _____
E-MAIL ADDRESS: _____

TITLE OF PROJECT:
Military Training and Testing

COMPLETE FOLLOWING PAGES

FOR BUREAU OF STATISTICS AND PLANS ONLY:

DATE APPLICATION RECEIVED: _____
OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____
APPLICANT NOTIFIED: _____ PUBLIC NOTICE GIVEN: _____
OTHER AGENCY REVIEW
REQUESTED: _____

DETERMINATION:
() CONSISTENT () NON-CONSISTENT () FURTHER INFORMATION REQUESTED

OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____
APPLICANT NOTIFIED: _____

- ACTION LOG:
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____

DATE REVIEW COMPLETED: _____

DEVELOPMENT POLICIES (DP):

DP1. SHORE AREA DEVELOPMENT

- Intent: To ensure environmental and aesthetic compatibility of shore area land uses.
- Policy: Only those uses shall be located within the Seashore Reserve that enhance, are compatible with, or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or can demonstrate dependence on such a location and the lack of feasible alternative sites.
- Discussion: Not applicable. The Proposed Action does not include any shore area development on Guam, including those lands that are federally owned.

DP2. URBAN DEVELOPMENT

- Intent: To cluster high-impact uses to ensure coherent community design, function, infrastructure support, and environmental compatibility.
- Policy: Commercial, multi-family, industrial, and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within appropriate zone as outlined on the Guam Zoning Code.
- Discussion: Not applicable. The Proposed Action does not involve the development of commercial, multi-family, industrial, and resort-hotel zone uses and uses requiring high levels of support facilities.

DP3. RURAL DEVELOPMENT

- Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.
- Policy: Rural districts shall be designated in which only low-density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewerage is provided.
- Discussion: Not applicable. The Proposed Action does not involve residential development and agricultural uses.

DP4. MAJOR FACILITY SITING

- Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel, and transport facilities.
- Policy: In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the comprehensive development and coastal management plans, Guam shall recognize the national interest in the siting of such facilities, including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.
- Discussion: Not applicable. The Proposed Action does not involve construction or siting of major utilities, fuel, or transport facilities.

DP 5. HAZARDOUS AREAS

Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.

Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air installations, crash and sound zones, and major fault lines, shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety, or welfare of the people of Guam and complies with the land use regulations.

Discussion: Not applicable. The Proposed Action does not involve development in hazardous areas.

DP 6. HOUSING

Intent: To promote efficient community design placed where the resources can support it.

Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.

Discussion: Not applicable. The Proposed Action does not involve residential development.

DP 7. TRANSPORTATION

Intent: To provide transportation systems while protecting potentially impacted resources.

Policy: Guam shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries, coral reefs and other coastal resources.

Discussion: Not applicable. The Proposed Action does not include the development of transportation systems.

DP 8. EROSION AND SILTATION

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15 percent or greater slope by requiring strict compliance with erosion, sedimentation, and land use districting guidelines, as well as other related land use standards for such areas.

Discussion: Not applicable. The Proposed Action does not involve development where erosion and siltation damage is likely to occur.

RESOURCES POLICIES (RP):

RP1. AIR QUALITY

Intent: To control activities to ensure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate federal air quality standards to ensure the maintenance of Guam's relatively high air quality.

Discussion: A comprehensive air quality impact analysis of the Proposed Action is presented in Section 3.2 of the MITT DEIS/OEIS and is summarized in the following paragraphs.

The training and testing activities described in the MITT DEIS/OEIS will occur mostly offshore of Guam, although some elements of the Proposed Action would occur onshore and within or over territorial waters. Most of the training and testing area is offshore, beyond Guam's territorial boundaries, where attainment status is unclassified and Clean Air Act National Ambient Air Quality Standards (NAAQS) do not apply. However, given fluctuations in wind direction, air quality in adjacent onshore areas may be affected by releases of air pollutants from offshore training and testing sources. Therefore, NAAQS attainment status of adjacent onshore areas was considered in determining impacts.

Criteria air pollutants are generated by the combustion of fuel by surface vessels, fixed-wing and rotary-wing aircraft, and ground-based vehicles and equipment. They are also generated by the combustion of explosives and propellants in various types of munitions. Propellants used to fire small-, medium-, and large-caliber projectiles generate criteria pollutants when detonated. Nonexplosive practice munitions contain spotting charges and propellants that generate criteria air pollutants when they function. Powered targets require fuel, generating criteria air pollutants during their operation, and towed targets generate criteria air pollutants secondarily because another aircraft or vessel is required to provide power. Stationary targets may generate criteria air pollutants if all or portions of the item burn in a high-order detonation. Chaff cartridges used by ships and aircraft are launched by an explosive charge that generates small quantities of criteria air pollutants. Countermeasure flares, parachute flares, and smoke floats are designed to burn for a prescribed period, emitting criteria pollutants in the process.

Trace amounts of hazardous air pollutants would be emitted by combustion sources and use of ordnance. Hazardous air pollutants such as rocket motor exhaust and unspent missile fuel vapors may be emitted during missile and target use. Hazardous air pollutants are generated, in addition to criteria air pollutants, by combustion of fuels, explosives, propellants, and the materials of which targets, munitions, and other training and testing materials are constructed (e.g., plastic, paint, wood). Fugitive volatile and semivolatile petroleum compounds also may be emitted whenever mechanical devices are used. These emissions are typically one or more orders of magnitude smaller than concurrent emissions of criteria air pollutants, and only become a concern when large amounts of fuel, explosives, or other materials are consumed during a single activity or in one location.

Even though criteria and hazardous air pollutants can co-occur in time and space, these training and testing activities do not all occur simultaneously on a continuous basis. Sufficient dispersion would occur between training and testing activities; as a result, impacts on air quality would be short term in all areas.

Some training and testing activities will be conducted in the sulfur dioxide (SO₂) nonattainment areas of Guam. The emissions increase for SO₂ from proposed training and testing activities that would occur in the nonattainment areas of Guam is estimated at 91 tons per year based on a worst-case assumption that all training and testing activities that may take place in the nonattainment areas would take place in the nonattainment areas. It should be noted, however, that these training and testing activities can and will primarily occur in areas outside the nonattainment areas, such as in the Commonwealth of the Northern Mariana Islands, Andersen Air Force Base, Naval Base Guam Munitions Site, Naval Base Guam Telecommunications Site, and many other training locations in the Mariana Islands. The *de minimis* threshold for a full conformity determination is an SO₂ emissions increase of 100 tons per year. The General Conformity Rule, therefore, does not apply.

Air pollutant emissions from land-based training would not have a measurable impact on air quality in land areas. Air pollutants from offshore training and testing activities would not have a measurable impact on air quality in coastal waters or on adjacent land because of the distances from land at which the majority of pollutants are emitted and the generally strong ventilation resulting from regional meteorological conditions.

The reasonably foreseeable direct and indirect effect of military training and testing on Guam's air quality as a resource of the Guam coastal zone is an increase in air pollutants. Because these emissions are intermittent and short-term, this effect is considered minimal with regards to any foreseeable direct or indirect effect on uses and other resources of the Guam coastal zone. Based on the above analysis, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policy on air quality of the Guam Coastal Management Program.

RP2. WATER QUALITY

- Intent:** To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.
- Policy:** Safe drinking water shall be ensured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reefs, and aquifer areas.
- Discussion:** A comprehensive water quality impact analysis of the Proposed Action is presented in Section 3.1 of the MITT DEIS/OEIS and is summarized in the following paragraphs.
- Potential impacts on water quality from training and testing activities could be associated with explosives and explosion byproducts, metals, chemicals other than explosives, and other materials.

Explosives and Explosion Byproducts. Most activities involving explosives and explosion byproducts would be conducted more than 3 nautical miles (nm) off shore. Explosives are also used in nearshore areas (low tide line to 3 nm) specifically designated for mine countermeasure and mine neutralization activities. These nearshore areas are within the Navy's installations or are located in federally owned submerged lands. There are no existing Guam standards and guidelines for sediments and water quality related to explosives and explosion byproducts. Based on the limited area of deposition of explosive materials and low leaching rates, effects of explosive materials on water quality would be limited to short-term, localized impacts. Although there are reasonably foreseeable direct and indirect effects to water resources of the Guam coastal zone from explosives and explosion byproducts during mine countermeasure and mine neutralization activities, the effects would be minimal because these activities are intermittent and infrequent.

Metals. Most activities involving military expended materials with metal components would be conducted more than 3 nm offshore. Metals from military expended materials would have short-term, localized impacts on sediments and water quality after settling to the bottom within the immediate area where metals are deposited offshore. As a result, there would be minimal reasonably foreseeable direct or indirect effects to the uses and resources of the Guam coastal zone because of where these activities would be conducted.

Military expended materials with metal components are also used in nearshore areas specifically designated for mine countermeasure and mine neutralization activities within Naval Base Guam Apra Harbor and Agat Bay. Training at small arms ranges that are oriented towards the sea may result in rare stray bullets landing in adjacent waters. These activities would be subject to state sediment and water quality standards and guidelines for metals. Naval Base Guam Apra Harbor, Agat Bay, and associated submerged lands are not part of the Guam coastal zone because they are federally owned lands. Within the immediate area where metals are deposited, metals from military expended materials would have short-term, localized impacts on sediments and water quality. It is anticipated that the reasonably foreseeable direct and indirect effects of metals from mine countermeasure and mine neutralization activities to the uses and resources of the Guam coastal zone would be minimal.

Chemicals Other Than Explosives. Chemicals other than explosives associated with military expended materials from training and testing activities include (1) solid-fuel propellants, (2) Otto Fuel II torpedo propellant, (3) pyrotechnic materials, (4) polychlorinated biphenyls (PCBs) in target vessels used during sinking exercises, and (5) other chemicals associated with ordnance. Training and testing activities that may involve the use of the chemicals listed above would be conducted more than 3 nm offshore, outside of the Guam coastal zone. These chemicals would be introduced into the water column in small amounts as residual material or combustion byproducts. The resulting concentrations in seawater are expected to be very low and not harmful to aquatic organisms. The reasonably foreseeable direct and indirect effects to the uses and resources of the Guam coastal zone from chemicals other than explosives would be minimal

because of where these activities would be conducted and the very low concentrations of these chemicals in seawater.

Training and testing restrictions to prevent degradation of drinking, recreational, and ecologically sensitive waters on Guam include controlling run-on and runoff at training sites; immediate cleanup of spills; and no wash water or brine discharge into nearby streams, reservoirs, and drainage ditches.

Based on the above analysis, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policy on water quality of the Guam Coastal Management Program.

RP3. FRAGILE AREAS

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas, including Guam's marine protected areas, shall be regulated to protect their unique character.

- Historical and archeological sites
- Wildlife habitats
- Pristine marine and terrestrial communities
- Limestone forests
- Mangrove stands and other wetlands
- Coral reefs

Discussion: The proposed military training and testing activities, which do not include any development activities, would take place within the boundaries of federally owned lands, including associated federally owned submerged lands. The MITT DEIS/OEIS provides detailed analyses of impacts on fragile areas listed above including federally owned lands.

Historical and Archeological Sites. Historical and archeological sites are discussed in Section 3.11 of the MITT DEIS/OEIS. Stressors from training and testing activities were determined to not adversely affect historical and archaeological sites on federally owned lands on Guam because protective measures will continue to be implemented, as defined in the various cultural resources management plans developed by the military for its installations on Guam and in the Programmatic Agreement among the Department of Defense Representative Guam; Commonwealth of the Northern Mariana Islands; Federated States of Micronesia and Republic of Palau; Joint Region Marianas; Commander, Navy Region Marianas; Commander, 36th Wing, Andersen Air Force Base; the Guam Historic Preservation Officer; and the Commonwealth of the Northern Marianas Islands Historic Preservation Officer Regarding Military Training in the Marianas (U.S. Department of Defense 2009).

Wildlife Habitats. Wildlife habitats are described in various sections of the MITT DEIS/OEIS. Terrestrial wildlife communities are discussed in Section 3.10.2.2, while terrestrial species with special regulatory status (e.g., ESA-listed species) are discussed in Section 3.10.2.3. Seabird species that may roost or nest on Guam are

discussed in Section 3.6.2.6. Impacts are discussed in Section 3.10.3 and Section 3.6.3.

The Navy will be completing consultation requirements under Section 7(a)(2) of the ESA with the U.S. Fish and Wildlife Service Pacific Islands Fish and Wildlife Office for species on Guam that may be affected by the Proposed Action. The analysis includes various potential stressors from the Proposed Action, such as noise (from aircraft overflights, weapons firing, and vehicular noise), ground disturbance, and habitat degradation. The Navy has determined that the Proposed Action on Guam will have no effect on the *Serianthes* tree or species extirpated from Guam habitats (e.g. Guam rail, Guam Micronesian kingfisher, Mariana crow). The Navy has determined that the Proposed Action may affect, but is not likely to adversely affect the Mariana fruit bat, Mariana swiftlet, and Mariana common moorhen.

The U.S. Fish and Wildlife Service has designated critical habitat for the Mariana fruit bat, Mariana crow, and Micronesian kingfisher. The critical habitat designation coincides with the Guam National Wildlife Refuge (GNWR) Ritidian Unit. Because military training and testing activities would not be conducted in the GNWR Ritidian unit, the Proposed Action would have no effect on critical habitat designations on Guam.

The Navy will implement mitigation measures described in Chapter 5, Standard Operating Procedures, Mitigation, and Monitoring, of the MITT Draft EIS/OEIS to minimize the impacts on terrestrial species and habitats. The Navy is in consultation with the U.S. Fish and Wildlife Service under Section 7 of the ESA for this Proposed Action and will implement mitigation measures resulting from the consultation.

Pristine Marine and Terrestrial Communities. Marine communities are discussed in Section 3.3 of the MITT DEIS/OEIS, while terrestrial vegetation communities found on federally owned lands on Guam are discussed in Section 3.10.2.1. Impacts on terrestrial communities are covered under the discussion for wildlife habitats above. Acoustic stressors, physical disturbances, and strike stressors proposed from military training and testing activities within federally owned lands, including submerged lands, would not diminish the ability of soft shores, soft bottoms, hard shores, or hard bottoms to function as habitat.

Limestone Forests, Mangrove Stands, and Other Wetlands. Limestone forests, mangrove stands, and other wetlands (e.g., palustrine and estuarine marshes) on military lands on Guam are discussed in Section 3.10.2.2 of the MITT Draft EIS/OEIS. Impacts on these habitats are covered under the discussion for wildlife habitats above.

Coral Reefs. Coral reefs and hardbottom habitats in military training and testing areas of Guam (palustrine and estuarine marshes) are discussed in Section 3.3 of the MITT DEIS/OEIS. Impacts on corals and coral reefs are discussed under RP4, Living Marine Resources, below.

The reasonably foreseeable direct and indirect effects from impacts to fragile areas from military training and testing activities to the uses and resources of the Guam coastal zone would be minimal as these activities would occur mostly

within the boundaries of the military installations and at locations outside of territorial waters. Based on the above analysis, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policy on fragile areas of the Guam Coastal Management Program.

RP4. LIVING MARINE RESOURCES

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the waters of Guam, particularly fish, shall be protected from overharvesting and, in the case of corals, sea turtles, and marine mammals, from any taking whatsoever.

Discussion: The MITT DEIS/OEIS provides detailed analyses of impacts on fish, corals, sea turtles, and marine mammals. The impacts analyses are summarized below. The Navy has initiated the ESA and MMPA compliance processes with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Navy will implement mitigation measures described in Chapter 5, Standard Operating Procedures, Mitigation, and Monitoring, of the MITT DEIS/OEIS and any mitigation measures resulting from these consultations.

Fish. Fish are discussed in Section 3.9 (Fish) of the MITT DEIS/OEIS. The Proposed Action does not involve the harvesting of fish. However, stressors to fish include acoustic (sonar, other acoustic sources, explosives and other impulsive sources), energy (electromagnetic devices), physical disturbance and strike (vessels and in-water devices, military expended materials), entanglement (guidance wires, fiber-optic cables, decelerators/parachutes), ingestion (munitions and military expended materials other than munitions), and secondary (from impacts on sediments and water quality). Most of the training and testing activities that involve these stressors would be conducted intermittently and more than 3 nm offshore, outside of the Guam coastal zone. Impacts from stressors to fish would be localized. Although potential impacts on individuals of certain fish species from the Proposed Action may include injury or mortality, impacts are not expected to decrease the overall fitness of any given population. Therefore, the reasonably foreseeable direct and indirect effects to the uses and resources of the Guam coastal zone from impacts to fish from military training and testing activities would be minimal.

Corals. Corals are discussed in Section 3.8 (Marine Invertebrates) of the MITT DEIS/OEIS. Acoustic stressors (sonar, other acoustic sources, explosives and other impulsive sources), physical disturbance and strike stressors (vessels and in-water devices, military expended materials), and secondary stressors (from impacts on sediments and water quality), may affect but are not likely to adversely affect corals. Seafloor devices, electromagnetic devices, entanglement stressors (fiber-optic cables and guidance wires, parachutes), and ingestion stressors (military expended materials), would have no effect on corals. The Navy is in consultation with the National Marine Fisheries Service under Section 7 of the ESA for this Proposed Action and will implement mitigation measures for corals resulting from the consultation. The reasonably foreseeable direct and indirect effects from impacts to corals to the uses and resources of the Guam coastal zone from

military training and testing activities would be minimal. With the implementation of mitigation measures, the Proposed Action is consistent to the maximum extent practicable with this policy.

Sea Turtles. Sea turtles are discussed in Section 3.5 (Sea Turtles) of the MITT DEIS/OEIS. Stressors to sea turtles from the Proposed Action include acoustic (sonar and other active acoustic sources, explosives, swimmer defense airguns, weapons firing, launch and impact noise, vessel noise, aircraft noise), energy (electromagnetic devices), physical disturbance and strike (vessels and in-water devices, military expended materials, seafloor devices), entanglement (fiber-optic cables and guidance wires, decelerators/parachutes), ingestion (munitions and military expended materials other than munitions, and secondary (from impacts on sediments and water quality). Not all listed stressors affect all sea turtles. Certain sea turtles are affected by specific stressors only.

Pursuant to the ESA, sound from sonar and other active acoustic sources and in-water explosions may affect and is likely to adversely affect the ESA-listed green and hawksbill sea turtles. Pursuant to the ESA, sound from sonar and other active acoustic sources, in-water explosions, may affect but is not likely to adversely affect the ESA-listed olive ridley, loggerhead and leatherback sea turtles. Pursuant to the ESA, sound from weapons firing, launch and impact; and vessels and aircraft, may affect but is not likely to adversely affect the ESA-listed green, hawksbill, loggerhead, olive ridley and leatherback sea turtles.

Pursuant to the ESA, the remainder of the stressors (non-acoustic) may affect but are not likely to adversely affect the ESA-listed green, hawksbill, loggerhead, olive ridley and leatherback sea turtles. The Navy is in consultation with the National Marine Fisheries Service under Section 7 of the ESA for this Proposed Action and will implement mitigation measures for sea turtles in the marine environment resulting from the consultation.

Green sea turtles and hawksbill sea turtles may be affected by amphibious landing activities and night-time hydrographic surveys on Guam where amphibious trainings occur. In addition, sea turtles while nesting or attempting to nest may be exposed to noise generated from training activities, particularly during range use at night and aircraft overflights. Protective measures that occur at beaches known to support sea turtle nesting (e.g., Haputo Beach, Dadi Beach, Spanish Steps, and Tarague Beach) and other potential beach landing locations will minimize or avoid the potential for adverse effects. For instance, pre-activity monitoring reduces the potential for harmful impacts to sea turtles observed before an exercise is scheduled to occur. The Joint Region Marianas sea turtle nest monitoring program provides protection to sea turtle nests by identification of nests for avoidance. Also, the Navy monitors beaches before activities so alternate training regimes may be enacted to avoid impacting nesting sea turtles. By way of example, Joint Region Marianas closed Dadi Beach for training for several months in 2013 after the discovery of multiple nests at this location and no nests were impacted from training activities. Lighting during training activities at night are reduced to the maximum extent possible to enhance the training value of avoiding detection, as well as to reduce potential impacts on sea turtles. The Navy is in the formal consultation process pursuant to Section 7 of the ESA, and the Navy will

implement mitigation measures for nesting sea turtles resulting from the consultation.

Terms and conditions of the Section 7 consultations between the Navy and the National Marine Fisheries Service and U.S. Fish and Wildlife Service will be reflected in the Record of Decision (ROD) for the MITT EIS/OEIS. With the implementation of mitigation measures, the Proposed Action is consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program.

Marine Mammals. Marine mammals are discussed in Section 3.4 (Marine Mammals) of the MITT DEIS/OEIS. Stressors to marine mammals from the Proposed Action include acoustic (sonar and other active acoustic sources, explosives, swimmer defense airguns, weapons firing, launch and impact noise, vessel noise, aircraft noise), energy (electromagnetic devices), physical disturbance and strike (vessels and in-water devices, military expended materials, seafloor devices), entanglement (fiber-optic cables and guidance wires, decelerators/parachutes), ingestion (munitions and military expended materials other than munitions, and secondary (habitat – sediments and water quality, air quality, prey availability).

Marine mammals, in general, are protected under the MMPA, while species of marine mammals that are endangered or threatened are further protected under the ESA. For this reason, impacts on marine mammals are analyzed separately under each law for each stressor, as discussed below.

Acoustic stressors. Pursuant to the MMPA, the use of sonar, other active sources, and explosives may result in Level A harassment, Level B harassment, or mortality of certain marine mammals. The use of airguns; weapons firing, launch, and impact noise; vessel noise; and aircraft noise are not expected to result in Level A or Level B harassment of any marine mammals. Pursuant to the ESA, sonar and other active sources and explosives may affect and are likely to adversely affect certain ESA-listed marine mammals. Weapons firing, launch, and impact noise; vessel noise; and aircraft noise may affect but are not likely to adversely affect certain ESA-listed marine mammals. Airguns will have no effect on any ESA-listed marine mammal species.

Energy Stressors. Pursuant to the MMPA, the use of electromagnetic devices is not expected to result in Level A or Level B harassment of any marine mammals. Pursuant to the ESA, the use of electromagnetic devices may affect but is not likely to adversely affect certain ESA-listed marine mammals.

Physical Disturbance and Strike Stressors. Pursuant to the MMPA, the use of vessels may result in mortality or Level A harassment of certain marine mammal species but is not expected to result in Level B harassment. The use of in-water devices, military expended materials, and seafloor devices are not expected to result in Level A or Level B harassment of any marine mammal. Pursuant to the ESA, vessel use may affect and is likely to adversely affect certain ESA-listed species. The use of in-water devices and military expended materials may affect but is not likely to adversely affect certain ESA-listed marine mammal species. The use of seafloor devices will have no effect on any ESA-listed marine mammal.

Entanglement Stressors. Pursuant to the MMPA, the use of fiber optic cables, guidance wires, and decelerators/parachutes is not expected to result in mortality or in Level A or Level B harassment of any marine mammal. Pursuant to the ESA, the use of fiber-optic cables, guidance wires, and decelerators/parachutes may affect but is not likely to adversely affect certain ESA-listed marine mammals.

Ingestion Stressors. Pursuant to the MMPA, the potential for ingestion of all types of military expended materials is not expected to result in Level A or Level B harassment of any marine mammal. Pursuant to the ESA, the potential for ingestion of all types of military expended materials may affect but is not likely to adversely affect certain ESA-listed marine mammals.

Secondary Stressors. Pursuant to the MMPA, secondary stressors are not expected to result in Level A or Level B harassment of any marine mammal. Pursuant to the ESA, secondary stressors may affect but are not likely to adversely affect certain ESA-listed marine mammals.

Although there are reasonably foreseeable direct and indirect effects from impacts to marine mammals to the uses and resources of the Guam coastal zone, the Navy will implement mitigation measures that will result from the ESA consultation and MMPA permit processes with the National Marine Fisheries Service. The Navy will implement mitigation measures described in Chapter 5, Standard Operating Procedures, Mitigation, and Monitoring, of the Final MITT EIS/OEIS to minimize these effects. Based on the above analysis, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policy on living marine resources of the Guam Coastal Management Program.

RP5. VISUAL QUALITY

- Intent: To protect the quality of Guam's natural scenic beauty.
- Policy: Preservation and enhancement of, and respect for, the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building, and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways, and trails.
- Discussion: Not applicable. All military training activities on the island of Guam will be conducted within the boundaries of military installations and will have no impact on the aesthetic quality of the island of Guam's scenic views. Solid waste (litter) generated during training activities, which may impair visual quality, will be collected, consolidated, and disposed of in accordance with applicable federal and territorial regulations and installation solid waste management plans. There would be no reasonably foreseeable direct or indirect effects to the uses and resources of the Guam coastal zone from impacts to visual quality from military training and testing.

RP6. RECREATION AREAS

- Intent: To encourage environmentally compatible recreational development.
- Policy: The Government of Guam shall encourage development of varied types of recreational facilities located and maintained to be compatible with the

surrounding environment and land uses, adequately serve community centers and urban areas, and protect beaches and such passive recreational areas as wildlife, marine conservation and marine protected areas, scenic overlooks, parks, and historical sites.

Developments, activities, and uses shall comply with the Guam Recreational Water Use Management Plan.

Discussion: Not applicable. The Proposed Action does not involve recreational development.

RP7. PUBLIC ACCESS

Intent: To ensure the right of public access.

Policy: The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Guam recreation areas, parks, scenic overlooks, designated conservation areas, and their public lands. Agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion: No non-federally owned beach areas, territorial recreation areas, parks, scenic overlooks, designated conservation areas, or other public lands will be affected by the Proposed Action. For security and safety reasons, public access normally allowed (by permit) within military installations may be temporarily curtailed during military training and testing activities and restored upon completion of the training and testing exercises. There would be minimal reasonably foreseeable direct or indirect effects to the uses and resources of the Guam coastal zone from impacts to public access from military training and testing activities. Based on the above analysis, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policy on public access of the Guam Coastal Management Program.

RP8. AGRICULTURAL LANDS

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

Discussion: Not applicable. The Proposed Action does not involve development on agricultural land.

TYPE OF STATEMENT (check one only)

- Consistency
- General Consistency (Category I only)
- Negative Determination (Category I only)
- Non-Consistency (Category I only)

APPROVING FEDERAL AGENCY (Categories II & III only)

Agency:

Contact Person:

Telephone No. during business hours:

A/C (___) _____

A/C (___) _____

Fax (___) _____

FEDERAL AUTHORITY FOR ACTIVITY

Title of Law: Title 10 – Armed Forces, United States Code

Section: Subtitle A – General Military Law, Part III – Training and Education

OTHER GUAM APPROVALS REQUIRED

Date of: _____

Agency	Type of Approval	Date of Application	Status
_____	_____	_____	_____
_____	_____	_____	_____
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